

HOUSE No. 631

By Mr. Atsalis of Barnstable, petition of Demetrius J. Atsalis relative to penalties for persons convicted of certain sexual offenses. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO PRISON SENTENCES FOR SEXUAL OFFENSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 13B of chapter 265 of the General Laws,
2 as appearing in the 1994 Official Edition, is hereby amended by
3 striking out the first paragraph and inserting in place thereof the
4 following paragraph:—

5 Whoever commits an indecent assault and battery on a child
6 under the age of fourteen shall be punished by imprisonment in
7 the state prison for not less than ten years and whoever commits a
8 second or subsequent such offense shall be punished by imprison-
9 ment in the state prison for life or for a term of years of not less
10 than twenty years.

1 SECTION 2. The first paragraph of section 13F of said
2 chapter 265, as so appearing, is hereby amended by striking out
3 the first sentence and inserting in place thereof the following sen-
4 tence:— Whoever commits an indecent assault and battery on a
5 mentally retarded person knowing such person to be mentally
6 retarded shall for the first offense be punished by imprisonment in
7 the state prison for not less than ten years and for a second and
8 subsequent offense, by imprisonment in the state prison for not
9 less than twenty years.

1 SECTION 3. Said chapter 265 is hereby further amended by
2 striking out section 13H, as so appearing, and inserting in place
3 thereof the following section:—

4 Section 13H. Whoever commits an indecent assault and battery
5 on a person who has attained age fourteen shall be punished by
6 imprisonment in the state prison for not less than ten years and
7 whoever commits a second or subsequent such offense shall be
8 punished by imprisonment in the state prison for not less than
9 twenty years.

1 SECTION 4. Section 22 of said chapter 265, as so appearing, is
2 hereby amended by inserting after the word “years,” in line 12,
3 the following:— but not less than twenty years.

1 SECTION 5. Said section 22 of said chapter 265, as so
2 appearing, is hereby further amended by inserting after the word
3 “years,” in line 26, the following:— but not less than ten years.

1 SECTION 6. Section 22A of said chapter 265, as so appearing,
2 is hereby amended by inserting after the word “years,” in line 5,
3 the following:— but not less than twenty years.

1 SECTION 7. Said section 22A of said chapter 265, as so
2 appearing, is hereby further amended by striking out the word
3 “five,” in line 7, and inserting in place thereof the word:—
4 twenty-five.

1 SECTION 8. Section 23 of said chapter 265, as so appearing, is
2 hereby amended by striking out in lines 4 and 5 the following: “or
3 except as otherwise provided, for any term in a jail or house of
4 correction” and inserting in place thereof the following:— but not
5 less than twenty years.

1 SECTION 9. Said section 23 of said chapter 265, as so
2 appearing, is hereby further amended by striking out the word
3 “five,” in line 7, and inserting in place thereof the word:—
4 twenty-five.

1 SECTION 10. Section 24 of said chapter 265, as so appearing,
2 is hereby amended by striking out in lines 2, 3 and 4 the
3 following:— “more than twenty years or by imprisonment in a jail

4 or house of correction for not more than two and one-half years”
5 and inserting in place thereof the following:— less than five
6 years.

1 SECTION 11. Said section 24 of said chapter 265, as so
2 appearing, is hereby further amended by inserting after the word
3 “years,” in line 6, the following:— but not less than ten years.

1 SECTION 12. Chapter 272 of the General Laws is hereby
2 amended by striking out section 35A, as so appearing, and
3 inserting in place thereof the following:—

4 Section 35A. Whoever commits any unnatural and lascivious
5 act with a child under the age of sixteen shall be punished by
6 imprisonment in the state prison for not less than five years and
7 whoever over the age of eighteen commits a second or subsequent
8 such offense shall be sentenced to imprisonment in the state
9 prison for not less than ten years.